

REMARKS

This amendment responds to the final office action dated January 25, 2010, and the advisory action dated April 10, 2010, and places the application in a condition for allowance.

The Examiner objected to the specification, contending that the limitation of “a flash mask characterized by the inclusion of those regions of said multi-channel image potentially affected by a flash, and the exclusion of those regions of said image not potentially affected by a flash, irrespective of whether an included or excluded region is within the boundaries of a person’s face” lacked an antecedent basis in the specification. The applicant has canceled this limitation from the claims, and therefore respectfully requests that the objection to the specification be withdrawn. The applicant also notes that the Examiner, in making final the rejection of independent claims 1 and 12 disregarded this limitation entirely, hence its removal does not affect the Examiner’s indication that dependent claims 6 and 16 are allowable. *See* Final Rejection dated January 25, 2010 (“Regarding applicant’s argument that each of claims 1, 7, 12, and 23 recite ‘produce a flash mask characterized by the inclusion of those regions of said multi-channel image potentially affected by a flash, and the exclusion of those regions of said image not potentially affected by a flash, irrespective of whether an included or excluded region is within the boundaries of a person’s face’, the examiner would like to point out again that the instant application does not provide description on the above limitation.”)

The Examiner rejected claims 1-6, 12-20, 22, and 23 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 7-11 have been canceled. The remaining independent claims 1, 12, and 20 have each been amended to recite the limitation of “a computer-readable medium and operatively connected to a processor” and specifies that the claimed steps are performed by the processor. This amendment overcomes the Examiner’s rejection under 35 U.S.C. § 101. *See* MPEP at § 2106.01 (“When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases.”). Each pending claim recites a computer-readable medium that stores an image, and is operatively connected to a processor that functionally “removes red-eye” from the stored image. This limitation is supported by the

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specification at p. 10 lines 15-19. Therefore the applicant's amendment overcomes the Examiner's rejection, and the applicant therefore respectfully requests that the Examiner's rejection of claims 1-6, 12-20, 22, and 23 under 35 U.S.C. § 101 be withdrawn.

The Examiner indicated that claims 6, 16, 20, and 22 were patentable over the prior art. Claim 6 has been incorporated into independent claim 1 and claim 16 has been incorporated into independent claim 12. Claims 6, 13, 16, and 21 have been canceled. Therefore, all pending claims are allowable.

Respectfully submitted,

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Date


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